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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RAY SENNEWALD, LILA TRETIKOV, and RAN ZHOU

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Appeal 2016-001742  
Application 13/766,763  
Technology Center 2100

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Before ERIC B. CHEN, AARON W. MOORE, and  
DAVID J. CUTITTA II, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1–15, all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention relates to a computer program product for committing sensitive testing. (Abstract.)

Claim 1 is exemplary, with disputed limitations in italics:

1. A method for commit sensitive testing comprising:  
applying a full set of different tests to an application;  
*monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests;*  
*generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files; and,*  
responsive to detecting a change in one of the files, identifying in the mapping only a subset of the full set of the different tests affecting the changed one of the files and applying only the subset of the full set of the different tests to the changed one of the files.

Claims 1, 4, 6, 9, 11, and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hardy (US 7,614,042 B1; iss. Nov. 3, 2009) and Srivastava (Amitabh Srivastava, et al., *Effectively Prioritizing Tests in Development Environment*, PROC. ACM SIGSOFT INT’L SYMP. ON SOFTWARE TESTING & ANALYSIS 97–106 (2002)).

Claims 2, 7, and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hardy, Srivastava, and IBM (IBM, *Utilizing Version Control Systems to Test Multiple File Change Scenarios within a Web Application Deployment*, Publication IPCOM000191685D, IP.com Prior Art Database Technical Disclosure (2010)).

Claims 3, 8, and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hardy, Srivastava, IBM, and Shufer (US 8,555,253 B2; iss. Oct. 8, 2013).

Claims 5, 10, and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hardy, Srivastava, Rogers (US 2007/0101196 A1; pub. May 3, 2007), and Hardy (US 7,568,183 B1; iss. July 28, 2009).

*§ 103 Rejection—Hardy and Srivastava*

We are unpersuaded by Appellants’ arguments (App. Br. 6–7; *see also* Reply Br. 5–6) that the combination of Hardy and Srivastava would not have rendered obvious independent claim 1, which includes the limitation “monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests.”

The Examiner found that the full testing of Srivastava during software development and the Magellan tool set of Srivastava collectively correspond to the limitation “monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests.” (Final Act. 9; *see also* Ans. 5–6.) We agree with the Examiner.

Srivastava relates to software testing, in particular the “Echelon” test prioritization system. (Abstract.) Srivastava explains that “[i]n large-scale software development, testing accounts for a substantial portion of the development cost” (p. 97, col. 1, para. 5) and that “[f]ull testing, running all tests in the test suite, is intended to be exhaustive and may take days or weeks to run” (*id.*, col. 2, para. 2). Srivastava further explains that “[t]he Magellan tool set [is part of Echelon and] provides an infrastructure for collecting, storing, analyzing, and reporting information about a test process” and “[t]he coverage information can be mapped to the static structure of the program: the procedures, files, directories, binaries etc. that make up the program.” (P. 99, col. 1, para. 1.) Because Srivastava generally discloses that the software under development is commonly subjected to “[f]ull testing” or “running all tests in the test suite” and includes the Magellan tool set, which maps test coverage information to files, Srivastava teaches the limitation “monitoring the application of the full set of different

tests to determine files of the application affected by the full set of the different tests.”

Appellants argue that “the mapping of coverage information to files still fails to address the primary missing element of Applicants’ claim limitation of monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests” (App. Br. 6 (emphasis omitted)) and “[a]t best, the portion cited by Examiner only maps to a monitoring and an analysis of a single test—but not the claimed monitoring of the application of a full set of different tests in order to determine files of the application affected by the full set of the different tests” (Reply Br. 5–6 (emphasis omitted)). However, in addition to the Magellan tool set of Srivastava, the Examiner also cited to the general disclosure in Srivastava that, for software testing, “[f]ull testing” or “running all tests in the test suite” is a common practice. In other words, the Examiner cited to the full testing of software and the Magellan tool set of Srivastava collectively, rather than solely the Magellan tool set, for teaching the limitation “monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests.” Accordingly, Appellants have not persuasively rebutted the Examiner’s finding that Srivastava teaches the limitation “monitoring the application of the full set of different tests to determine files of the application affected by the full set of the different tests.”

Thus, we agree with the Examiner that the combination of Hardy and Srivastava would have rendered obvious independent claim 1, which includes the limitation “monitoring the application of the full set of different

tests to determine files of the application affected by the full set of the different tests.”

We also are unpersuaded by Appellants’ arguments (App. Br. 7; *see also* Reply Br. 6–8) that the combination of Hardy and Srivastava would not have rendered obvious independent claim 1, which includes the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.”

The Examiner also found that the full testing of Srivastava during software development and the Magellan tool set of Srivastava collectively correspond to the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.” (Ans. 7.) We agree with the Examiner.

As discussed previously, Srivastava explains that “[t]he Magellan tool set [is part of Echelon and] provides an infrastructure for collecting, storing, analyzing, and reporting information about a test process” and “[t]he coverage information can be mapped to the static structure of the program: the procedures, files, directories, binaries etc. that make up the program.” (P. 99, col. 1, para. 1.) Because Srivastava generally discloses that the software under development is commonly subjected to “[f]ull testing” or “running all tests in the test suite” and includes the Magellan tool set that maps test coverage information to files, Srivastava teaches the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.”

Appellants argue that “[a]s already demonstrated . . . coverage information [of Srivastava] is mapped to the static structure of a program which includes the files of the program and . . . the storage of such mapping

[is] in a repository.” (Reply Br 8.) Accordingly, Appellants argue, “[c]omparing then the teachings of [Srivastava] to Appellants’ claim language—an unaccounted for deficiency exists with respect to Srivastava.” (*Id.*) As discussed previously, in addition to the Magellan tool set of Srivastava, the Examiner also cited to the general disclosure in Srivastava that, for software testing, “[f]ull testing” or “running all tests in the test suite” is a common practice. Accordingly, Appellants have not persuasively rebutted the Examiner’s finding that Srivastava teaches the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.”

Alternatively, the Examiner found that the mapping of Hardy, between available tests and the source tree for files, corresponds to the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.” (Final Act. 5–6, 11–12.) We agree with the Examiner.

Hardy relates to “[t]est automation systems [that] are used to automatically test software.” (Col. 1, ll. 19–20.) Figure 2 of Hardy illustrates various mappings between source tree locations 202 and build verification tests (BVTs) 204. (Col. 4, ll. 27–28.) Hardy explains that “[e]ach location of source tree 202 may correspond to a specific file or other data type.” (Col. 4, ll. 61–62.) Because Figure 2 of Hardy illustrates mapping between tree locations 202 and BVTs 204, such that each source tree 202 corresponds to a specific file, Hardy teaches the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.”

Appellants argue that “Figure 2 indeed shows a relationship between ‘build verification tests’ and locations of a source tree associated with source code files” but “the ‘build verification tests’ are mapped to different tests that target particular locations of files.” (App. Br. 7 (emphasis omitted).) Similarly, Appellants argue that “Hardy is deficient in that Figure 2 of Hardy only refers to the demonstration of a relationship between build verification tests and locations of files—not the files themselves.” (Reply Br. 6–7.) Contrary to Appellants’ arguments, Hardy explains that “[e]ach location of source tree 202 may correspond to a specific file.” (Col. 4, ll. 61–62.)

Thus, we agree with the Examiner that the combination of Hardy and Srivastava would have rendered obvious independent claim 1, which includes the limitation “generating a mapping of each of the files and corresponding ones of the full set of the different tests affecting each of the files.”

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 103(a). Claims 2–5 depend from claim 1, and Appellants have not presented any additional substantive arguments with respect to these claims. Therefore, we sustain the rejection of claims 2–5 under 35 U.S.C. § 103(a), for the same reasons discussed with respect to independent claim 1.

Independent claims 6 and 11 recite limitations similar to those discussed with respect to independent claim 1, and Appellants have not presented any additional substantive arguments with respect to these claims. We sustain the rejection of claims 6 and 11, as well as dependent claims 7–10 and 12–15, for the same reasons discussed with respect to claim 1.



*§ 103 Rejection—Hardy, Srivastava, and IBM*

Although Appellants nominally argue the rejection of dependent claims 2, 7, and 12 separately (App. Br. 8), the arguments presented do not point out with particularity or explain why the limitations of these dependent claims are separately patentable. Instead, Appellants merely argue that “at least for the reasons set forth in connection with the rejections of claims 1, 6 and 11, Appellants seek reversal of the rejections of claims 2, 7 and 12.” (*Id.*) We are not persuaded by these arguments for the reasons discussed with respect to claims 1, 6, and 11, from which claims 2, 7, and 12 depend. Accordingly, we sustain this rejection.

*§ 103 Rejection—Hardy, Srivastava, IBM, and Shufer*

Although Appellants nominally argue the rejection of dependent claims 3, 8, and 13 separately (App. Br. 8–9), the arguments presented do not point out with particularity or explain why the limitations of these dependent claims are separately patentable. Instead, Appellants merely argue that “at least for the reasons set forth in connection with the rejections of claims 1, 6 and 11, Appellants seek reversal of the rejections of claims 3, 8 and 13.” (*Id.* at 9.) We are not persuaded by these arguments for the reasons discussed with respect to claims 1, 6, and 11, from which claims 3, 8, and 13 depend. Accordingly, we sustain this rejection.

*§ 103 Rejection—Hardy, Srivastava, Rogers, and Hardy*

Although Appellants nominally argue the rejection of dependent claims 5, 10, and 15 separately (App. Br. 9), the arguments presented do not point out with particularity or explain why the limitations of these dependent

claims are separately patentable. Instead, Appellants merely argue that “at least for the reasons set forth in connection with the rejections of claims 1, 6 and 11, Appellants seek reversal of the rejections of claims 5, 10 and 15.” (*Id.*) We are not persuaded by these arguments for the reasons discussed with respect to claims 1, 6, and 11, from which claims 5, 10, and 15 depend. Accordingly, we sustain this rejection.

#### DECISION

The Examiner’s decision rejecting claims 1–15 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED